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18

19 **UNITED STATES DISTRICT COURT**

20 **DISTRICT OF NEVADA**

21 UNITED STATES OF AMERICA,

22 Plaintiff,

23 v.

24 CORY SPURLOCK,

25 Defendant.
26

Case No. 3:23-cr-00022-MMD-CLB

**ORDER GRANTING MOTION TO
TERMINATE APPOINTMENT OF
LEARNED COUNSEL RICHARD G.
NOVAK**

1 Cory Spurlock, by and through his counsel of record, hereby moves this Court for an
2 order terminating the appointment of Richard G. Novak as Learned Counsel, effective June 30,
3 2025.

4 On August 8, 2023, this Court appointed Richard G. Novak, upon application of the
5 Federal Public Defender, to serve as Learned Counsel for Mr. Spurlock in this matter. *See* ECF
6 Nos. 68, 69. On July 31, 2024, the United States filed its Notice of Intent Not to Seek the
7 Death Penalty against Mr. Spurlock. ECF No. 138. On August 14, 2025, counsel for Mr.
8 Spurlock filed a Motion to Withdraw/Terminate Appointment of Learned Counsel, Richard G.
9 Novak. ECF No. 145. The motion was granted on August 15, 2024. ECF No. 148.

10 After issuance of the United States Attorney General's Memorandum *Reviving the*
11 *Federal Death Penalty and Lifting the Moratorium on Federal Executions*, the Federal Public
12 Defender Office filed a Motion to Reappoint Learned Counsel on February 7, 2025. ECF No.
13 190. On February 10, 2025, the Court granted the motion and Mr. Novak was re-appointed to
14 this case to serve as Learned Counsel. ECF No. 192.

15 On April 10, 2025, the United States filed a Notice of Intent to Seek the Death Penalty.
16 ECF No. 365. Following briefing on the defense's Motion to Strike, on May 9, 2025, the Court
17 entered an Order striking the government's Notice of Intent to Seek the Death Penalty. ECF
18 No. 419. On May 12, 2025, the government filed a notice appealing the Order granting the
19 defendant's motion to strike. ECF No. 420.

20 On June 10, 2025, the United States filed an unopposed motion to dismiss its appeal (Case:
21 25-3040, ECF 12.1). The Ninth Circuit Court of Appeals granted the motion and dismissed the
22 appeal on June 11, 2025 (Case: 25-3040, ECF 13.1). ECF No. 450.

23 The United States may not seek the death penalty in this matter if Mr. Spurlock is
24 convicted of an offense statutorily punishable by death.

25 A non-capital trial in this matter is presently scheduled to begin on August 18, 2025,
26 with jury selection to commence on August 5, 2025. Mr. Spurlock will be represented at trial

1 by Assistant Federal Public Defenders Christopher P. Frey, Kate Berry, Allie Wilson, Jeremy
2 Baron, and JoNell Thomas. Counsel all agree that Mr. Novak's continued service as Learned
3 Counsel for Mr. Spurlock in this non-capital matter is not necessary to ensure effective
4 representation and consent to terminating his appointment as Learned Counsel.

5 Dated this June 26, 2025.

6 Respectfully submitted,

7 Rene L. Valladares
8 Federal Public Defender

9 /s/ Christopher P. Frey
10 Christopher P. Frey
11 Assistant Federal Public Defender

12 /s/ Kate Berry
13 Kate Berry
14 Assistant Federal Public Defender

15 /s/ Allie Wilson
16 Allie Wilson
17 Assistant Federal Public Defender

18 /s/ Jeremy Baron
19 Jeremy Baron
20 Assistant Federal Public Defender

21 /s/ Richard G. Novak
22 Richard G. Novak
23 CJA Learned Counsel

24 **IT IS SO ORDERED:**

25 
26 **MIRANDA M. DU**
U.S. DISTRICT JUDGE

DATED:

June 26, 2025